



State of Arizona
Department of Education

Jaime A. Molera
Superintendent of
Public Instruction

SPED 02-26

M E M O R A N D U M

November 19, 2001

TO: Parents/Guardians/Representatives

FROM: Randy R. Lazar
Arizona Department of Education/
Exceptional Student Services (ADE/ESS)
ADE/ESS Liaison for the Review and Compensation Committee

RE: Potential Claim as a result of the Consent Decree

As a result of the *Dunajski et. al. vs. Lisa Graham Keegan, the State of Arizona, and the Arizona Department of Education* [CIV 99-0353 PCT RCB] law suit, a Consent Decree was developed as an agreement to settle the issues of the law suit (*See enclosure*). The Consent Decree became official on March 26, 2001 when it was signed by a federal judge. One part of the Consent Decree called for the formation of a Review and Compensation Committee (hereafter referred to as the "Committee") to review any submitted claims for compensation. Individual compensation could be in the form of compensatory education or other remedial action allowed by law. According to the Consent Decree, eligibility for individual compensation is limited to the following:

1. You must have filed a complaint against your child's school with the Arizona Department of Education/Exceptional Student Services (ADE/ESS) Division between June 4, 1997 and March 26, 2001.
2. ADE/ESS must have found your child's school to be in either partial or full noncompliance with state and federal laws relating to the education of students with disabilities.
3. You were dissatisfied with the school's response to the corrective action contained in the Letter of Findings (from ADE/ESS).

ADE/ESS is providing you with this information because you *may* be eligible to file a claim. A review of our records indicates that you meet the criteria noted in number 1 and 2 above. You will need to decide if you meet the criteria noted in number 3 above.

After reviewing the enclosed Consent Decree and taking into account the school's response to the corrective action contained in the Letter of Findings that was sent to you after ADE/ESS conducted

the investigation (*for your convenience, see enclosed copy/copies*), determine if you meet all the criteria noted above. If you wish to file a claim, please send it to:

Randy R. Lazar
Arizona Department of Education
Exceptional Student Services
1535 West Jefferson Street
Phoenix, Arizona 85007

If you file a claim, please briefly describe the school actions that you believe were unsatisfactory regarding the required corrective action, and describe what you feel would be appropriate compensation. If a claim is filed, a copy of your claim will be provided within ten (10) days of receipt to the Committee. When the Committee has completed their review of your claim, they will provide me with their decision. Once I receive a decision from the Committee, I will send you a letter with a copy of their decision. According to the Consent Decree, all claims for compensation must be decided in a timely manner, but in no case longer than six months from the date the claim is received by the Committee. All claims for compensation must be submitted to the address noted above by **September 23, 2002**.

If you decide not to send a claim or if you have already submitted a claim, no further action on your part is required.

If you have any questions regarding the above information, please feel free to contact our office at (602) 542-3084. Thank you very much.

Enclosures